IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2382 of 2005

Between:

Varigonda Venkateswarlu,

S/o. Late Venkateswarlu,
Resident of Nellore.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Vakadu Depot,

Vakadu, Nellore District.
2 The Presiding Officer, Labour Court, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records and issue a writ or order or direction more particularly one in the nature of Writ of Certiorari and quash the impugned order passed in I.A.No. 112/2003 in I.D.No. 258/1997 dt. 5-7-2004 on the file of the Presiding Officer, Labour Court, Guntur, being illegal, arbitrary and violative of Articles, 14, 16 and 21 of the constitution of India apart from being violation of the principles of Natural Justice and pass further or other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.T.LAKSHMI NARAYANA

Counsel for Respondent No.2: GP FOR LABOUR

Counsel for Respondent No.1: MANMADHA Reddy(SC FOR APSRTC)

The Court at the admission stage made the following :

ORDER:

Challenging the order in I.A.No.112 of 2003 in I.D.No.258 of 1997, dated 05-07-2004, on the file of the Labour Court, Guntur, the present writ petition is filed.

The petitioner was removed from service after completion of the departmental enquiry. Aggrieved by the same, the petitioner raised an Industrial Dispute in the year 1997. The said I.D underwent several adjournments and finally on 26-10-2002 when both the petitioner and his counsel were absent, the same was dismissed. Thereafter, the petitioner filed I.A.No.112 of 2003 to set aside the dismissal order dated 26-10-2002, in I.D.No.258 of 1997, and the said petition was also dismissed.

Learned counsel for the petitioner contended that on 26-10-2002, as the counsel appearing for the petitioner in the said I.D. was engaged in IV Additional District Judge Court, Guntur, he was not present and due to ill health the petitioner also did not attend the Court, the petition was dismissed. The application which was filed to set aside the dismissal order passed in I.D, was dismissed by the 2nd respondent without properly appreciating the reasons given for the absence of the petitioner and his counsel. Hence he prays to set aside the order in I.A and give a chance to the petitioner to challenge the order of capital punishment of removal from service.

Heard learned counsel for both the parties and perused the material on record.

Though the matter has been pending for the last seven years, the petitioner has not evinced any interest to get the case resolved through the process of Court. Several adjournments have been given in the said I.D. and finally it was posted to 26-10-2002 and on that day, the petitioner or the counsel is bound to be present before the

Court. The contention that the counsel was engaged in some other Court is not at all a ground to set aside the impugned order. If the counsel is absent nothing prevented the petitioner to appear before the Court and make a request to pass over the matter till his counsel comes to the Court. It appears that on previous occasions also several adjournments have been granted, but still the petitioner has not prosecuted the case diligently. Therefore, the order under challenge does not suffer from any incurable legal infirmity so as to call for interference by this Court.

The writ petition is devoid of merits and is accordingly dismissed. There shall be no order as to costs.

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25-02-2005

Note: Issue C.C by 28-02-2005.

B/o.

vs

To

1 The Depot Manager, APSRTC, Vakadu Depot,

Vakadu, Nellore District.

2 The Presiding Officer, Labour Court, Guntur District.

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THE HON'BLE MR JUSTICE K.C. BHANU

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Dated: 25-02-2005

vs